

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re: ALABAMA AIRCRAFT :
INDUSTRIES, INC., et al., :
Debtors. : Civil No. 11-1003 (JEI)

THE BOEING COMPANY, : ORDER DISPOSING OF THE MOTIONS
Appellant, : CONCERNING MERITS BRIEFING
v. : SCHEDULE (Docket Nos. 24, 25);
ALABAMA AIRCRAFT INDUSTRIES, INC., and KAISER AIRCRAFT : AND SCHEDULING ORAL ARGUMENT
INDUSTRIES, INC., : ON APPELLEE'S MOTION TO DISMISS
Appellees. : THE APPEAL

LOIZIDES P.A.
By: Christopher Loizides, Esq.
Legal Arts Building
1225 King Street, Suite 800
Wilmington, Delaware 19801

and

BRYAN CAVE LLP
By: Robert Mercer, Esq.
Eric Schroeder, Esq.
One Atlantic Center, 14th Floor
1201 West Peachtree Street, NW
Atlanta, Georgia 30309
Counsel for Appellant The Boeing Company

PACHULSKI, STANG, ZIEL & JONES, LLP
By: Bruce Grohsgal, Esq.
Peter Keane, Esq.
919 North Market Street, Suite 1600
P.O. Box 8705
Wilmington, Delaware 19899

and

KLEE, TUCHIN, BOGDANOFF & STERN LLP
By: Thomas Patterson, Esq.

David Guess, Esq.
1999 Avenue of the Stars, Suite 3900
Los Angeles, California 90067
Counsel for Appellee Kaiser Aircraft Industries, Inc.

YOUNG, CONAWAY, STARGATT & TAYLOR LLP
By: Joel Waite, Esq.
John Dorsey, Esq.
Kenneth Enos, Esq.
The Brandywine Building
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, Delaware 19899
Counsel for Debtors Alabama Aircraft Industries, Inc.,
et al.

IRENAS, Senior District Judge:

This matter having appeared before the Court on The Boeing Company's ("Boeing's") Motion to Establish a Briefing Schedule on the Merits of the Appeal (Docket #24) and Kaiser Aircraft Industries, Inc.'s ("Kaiser's") Motion to Suspend Briefing on the Merits until its Motion to Dismiss the Appeal has been decided (Docket #25), the Court having held a teleconference on the record on even date herewith concerning the Motions and other scheduling matters, and with the consent of the parties,

IT IS on this 22nd day of December, 2011

ORDERED THAT:

- (1) Boeing's opening brief in support of its appeal shall be served and filed on or before January 20, 2012.

(2) Kaiser's brief in opposition to the appeal shall be served and filed on or before February 24, 2012, unless the Court has not ruled on Kaiser's Motion to Dismiss the Appeal by January 20, 2012. In the event of no ruling by the 20th of January, Kaiser's brief will not be due until 30 days after a ruling is issued, unless the ruling completely dismisses the appeal.

(3) Boeing's reply brief in further support of its appeal, if any, shall be served and filed within 30 days of the service and filing of Kaiser's opposition brief, if opposition is filed.

(4) Oral argument on Kaiser's Motion to Dismiss the Appeal as Moot shall be held at 2:00 p.m. on Tuesday, January 10, 2012 in Courtroom 1 of the Federal Courthouse and Post Office Building located at 401 Market Street, Camden, New Jersey 08101.

s/ Joseph E. Irenas
JOSEPH E. IRENAS
Senior United States District Judge